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PATENT APPLICATION
Mo4188
LeA 29,111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN APPLICATION OF)
ROLF WIEDERMANN ET AL) GROUP NO: 1711
SERIAL NO.: 08/362,547) EXAMINER: J. M. COONEY
FILED: JANUARY 3, 1995) RESPONSE TO PAPER NO. 1003
TITLE: A PROCESS FOR THE PRODUCTION)
OF RIGID FOAMS CONTAINING)
URETHANE GROUPS AND)
PREDOMINANTLY ISOCYANURATE)
GROUPS)

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

This Reply Brief, submitted in triplicate, is to rebut certain arguments raised by the Examiner for the first time in the Examiner's Answer dated October 16, 2003.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on
12/9/03

Date
N. Denise Brown, Reg. No. 36,097

Name of Appellant, assignee or Registered Representative
N. Denise Brown

Signature
December 9, 2003

Date

REMARKS

The Examiner states in his Answer at page 2, section 2 that Appellants brief "... does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal ...".

Appellants respectfully submit that this is incorrect. On page 2 of the Appeal Brief filed on July 18, 2003, Section II is labeled "Related Appeals and Interferences". Under this section, Appellants have expressly stated that they are not aware of any pending appeals or interferences that would be affected by or have bearing on the Board's decision in the present case. This clearly satisfies the requirement for a statement identifying related appeals and interferences.

The Examiner states for the first time in his Answer at page 5, lines 1-4, with respect to the specific alkanes claimed in Claims 3 and 6 that he "maintains the rejection to be proper for the reasons set forth in the rejection above, and appellants' notation of Volkert's recognition of other blowing agent combinations does not negate the applicability of the stated position".

Appellants respectfully submit that the Examiner is clearly ignoring the fact that Volkert does not disclose or even suggest that pentane or hexane as required Claims 3 and 6, respectively, would be suitable as the sole blowing agent! In fact, neither pentane or hexane are disclosed by Volkert.

The blowing agents of the Volkert reference are cyclopentane; or a mixture of cyclopentane and/or cyclohexane with at least one low boiling point compound which is homogeneously miscible with cyclopentane and/or cyclohexane and has a boiling point below 35°C. These low boiling point compounds are described as alkanes, cycloalkanes, dialkylether, cycloalkylene ethers and fluoroalkanes. Suitable alkanes expressly disclosed by Volkert are only propane, butane and isobutane (see column 8, lines 58-59). Clearly, pentane and/or hexane are not disclosed as being suitable. Since pentane and hexane do **not** have boiling points below 35°C, these are outside the scope of what Volkert considers to be a suitable alkane for the blowing agent mixtures therein. The Volkert reference does not suggest that higher boiling alkanes such as pentane and hexane are suitable as the sole blowing agents in the presently claimed processes.

The Volkert reference does not even suggest pentane and/or hexane are suitable to be used as one component in any of the combinations of blowing agents therein. Accordingly, it is **not** *prima facie* obvious to use pentane or hexane as the sole blowing agent as in Appellants' Claims 3 and 6 in view of the Volkert reference.

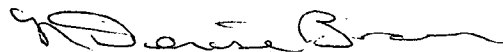
It was also stated by the Examiner for the first time in his Answer on page 5, lines 12-13 that "for claims 3 and 6 showings attributable to the selection of alkanes would additionally be acceptable". (See discussion of affidavit evidence for complete context on page 5, lines 5-15.)

As Appellants have set forth above, the Volkert reference does not establish a *prima facie* case of obviousness with respect to the invention claimed in Claims 3 and 6. Accordingly, no showing of unexpected results is required.

For these reasons and those discussed at length in their Appeal Brief, Appellants maintain their position that the Examiner's rejections are improper. Appellants respectfully request that these rejections be reversed and that Claims 3-9 be allowed.

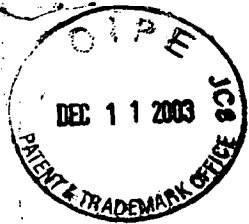
Respectfully submitted,

By



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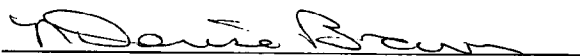
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